

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 62
Filed: 18 March 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ELIYAHOU **HARARI** and SANJAY MEHROTRA
Junior Party
(Application 09/310,880)¹

v.

SHANE C. **HOLLMER** and LEE E. CLEVELAND
Senior Party
(Patent 5,828,601)²

Patent Interference No. 105,606
(Technology Center 2800)

Before: RICHARD E. SCHAFER, JAMESON LEE, and RICHARD TORCZON,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Merits – Bd. R. 127

1 Filed May 14, 1999. The real party in interest is SanDisk Corporation.

2 Based on Application 08/160,582, filed December 1, 1993. The real party in interest is Spansion LLC.

Interference 105,606
Harari v. Hollmer

Hollmer's Substantive Motion 1 alleging unpatentability of all of Harari's claims corresponding to the count under 35 U.S.C. § 112, first paragraph, as lacking written description in the specification has been granted in a separate and concurrent paper. Because Harari provoked this interference, the granting of Holler's Substantive Motion 1 means Harari is without standing to continue in this interference. 37 C.F.R. § 41.201. Accordingly, it is now time appropriate to enter judgment against Harari.

It is

ORDERED that judgment as to Count 1 is entered against junior party ELIYAHOU HARARI and SANJAY MEHROTRA;

FURTHER ORDERED that junior party ELIYAHOU HARARI and SANJAY MEHROTRA is not entitled to its application claims 76-80 which correspond to Count 1;

FURTHER ORDERED that application claims 76-80 of junior party ELIYAHOU HARARI and SANJAY MEHROTRA are finally refused;

FURTHER ORDERED that the parties should note the requirements of 35 U.S.C. §135(c) and Bd.R. 205; and

FURTHER ORDERED that a copy of this judgment shall be entered into the file of Application 09/310,880 and Patent 5,828,601.

Interference 105,606
Harari v. Hollmer

By Electronic Transmission:

Attorney for Junior Party Harari:

Gerald P. Parsons, Esq.
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
(415) 276-6534
geraldparsons@dwt.com

William A. Birdwell, Esq.
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, Oregon 97201-5630
(503) 778-5208
billbirdwell@dwt.com

Attorney for Senior Party Hollmer:

Martin C. Fliesler (Reg. No. 25,656)
Rex Hwang (Reg. 56,206)
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
(415) 362-3800
mcf@fdml.com
rhwang@fdml.com